

Amdt. #1S

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June 11, 2007

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**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

Ms. Toni Melton
Initiative Secretary
For Edmund G. Brown, Jr.
Attorney General
1300 I Street, Suite 125
Sacramento, CA 94244-2550
Via facsimile: 916-324-8835

Proposed Initiative No. 07-0021

Dear Ms. Melton:

This letter seeks a small change in the language of our proposed initiative. It is now requested that the language describing proposed modifications to Elections Code section 301(e) be modified by the deletion of the second sentence, to wit, "Nothing in this subsection is intended to prohibit or limit the use of electronic, mechanical, optical, or other legally approved methods of reading or counting tangible ballots." Instead of that language, we request the insertion of the following: "Nothing in this subsection is intended to prohibit or limit any legally approved method of counting tangible ballots."

Our proposed Initiative, from the start, has always been utterly non-partisan in character. Our supporters include very Liberal people, as well as some Conservative people, and also many "Decline to State" independent voters, such as myself. We simply want to avoid the argument as to which method of counting the ballots is the best; that is an issue to be worked out by the Legislature and others charged with such responsibility. We thus, by this deletion, merely seek to avoid any appearance that we are favoring any one method of counting over another, since our only and sole goal here is to assure that there is something tangible to count. Thank you.

Very truly yours,

Harry V. Lehmann

encl: modified submission

State Initiative - as submitted to the Attorney General on May 23, 2007 **Amdt. #1S****Title and Text of Proposed Law: -California Tangible Ballot Act of 2008-**

The Purpose of the proposed law is to Amend Elections Code §301 as follows:

(*Italics* denote deleted portions, underline denotes added text)

Elections Code §301

A "ballot" means any of the following:

(a) A single card with prescored, number positions that is marked by the voter with a punching device and the accompanying reference page or pages containing the names of candidates and the ballot titles of measures to be voted on with numbered positions corresponding to the numbers on the card.

(b) One or more cards upon which are printed the names of the candidates and the ballot titles of measures to be voted on by punching or marking in the designated area.

(c) One or more sheets of paper upon which are printed the names of candidates and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment.

(d) A large sheet of paper upon which is printed the names of candidates and ballot titles of measures to be voted on by pressing the designated area on a direct-recording electronic device, so long as a tangible ballot, printed on paper or otherwise tangible, results from the use of the electronic device.

Current subsection to be deleted: (e) *An electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area on the screen of a direct-recording electronic device.*

Proposed New Subsection: (e) A tangible physical object which may be marked, punched, written upon or otherwise indelibly affected by the physical action of the individual voter or the voters aide, which is ultimately susceptible to content recognition for vote counting purposes by a human being through the use of ordinary human physical senses. Nothing in this subsection is intended to prohibit or limit the use of electronic, mechanical, optical, or other legally approved methods of reading or counting tangible ballots. Nothing in this subsection is intended to prohibit or limit the use of electronic devices by disabled voters, including electronic touchscreen devices, so long as a tangible ballot, printed on paper or otherwise tangible, results from use of such electronic, or electronic and mechanical devices, and such tangible ballot is retained for vote counting and vote verification purposes.

6/11/07
deletion
HVL